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Elimination of racism and racial discrimination

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 53/133.

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I. Introduction

1. In its resolution 53/133 of 9 December 1998 concerning measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the General Assembly took note with appreciation of the report of the Special Rapporteur and expressed its support for the continuation of his work. The Assembly expressed its profound concern about and unequivocal condemnation of all forms of racism and racial discrimination, in particular all racist violence and related acts of random and indiscriminate violence; it also expressed its profound concern about and unequivocal condemnation of all forms of racism and racial discrimination, including propaganda, activities and organizations based on doctrines of superiority of one race or group of persons that attempt to justify or promote racism and racial discrimination in any form; it expressed its profound concern about and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families, persons belonging to minorities and members of vulnerable groups in many societies.

2. The Assembly also categorically deplored the misuse of print, audiovisual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred and called upon all Governments and intergovernmental organizations, with the assistance of non-governmental organizations, as appropriate, to supply relevant information to the Special Rapporteur to enable him to fulfil his mandate.

3. Lastly, the Assembly requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to it at its fifty-fourth session.

4. The present report seeks to respond to General Assembly resolution 53/133. It also draws on the pertinent elements of the resolution on the same subject adopted by the Commission on Human Rights at its fifty-fifth session (resolution 1999/78, paras. 33-36 and 63, subpara. (b)). Its three main sections deal respectively with the activities of the Special Rapporteur since the previous report to the General Assembly (A/53/269), contemporary manifestations of racism and racial discrimination, xenophobia and follow-up to field visits. It ends with conclusions and recommendations.

II. Activities of the Special Rapporteur and follow-up to field missions

A. Activities of the Special Rapporteur

1. Participation in the work of the Commission on Human Rights

5. From 25 to 27 March 1998, the Special Rapporteur participated in the work of the fifty-fifth session of the Commission on Human Rights at which he submitted his general report on the situation of racism, racial discrimination and xenophobia in the world (E/CN.4/1999/15) and a report on his mission to South Africa from 24 February to 5 March 1998 (E/CN.4/1999/15/Add.1).

6. He drew attention to the measures taken by Governments to achieve the goals outlined in his mandate, to instances and manifestations of racism and racial discrimination which had been brought to his attention and to the field missions already undertaken or planned for the current year.

7. He expressed satisfaction with the cooperation that had begun with a growing number of Member States, some of whom had invited him to visit them (United States of America, Brazil, Colombia, Germany, France, United Kingdom of Great Britain and Northern Ireland, Kuwait, South Africa, Australia and Indonesia, in chronological order). That willingness of Governments had helped give credit to his mandate and had enabled him, through meetings with the representatives of those Governments, various organizations of civil society and victims, to gain a direct and specific experience of the realities in those countries which he could never had obtained simply from reading through documents.

8. He pointed out that some countries had already begun to act on some of the recommendations he had made following his visits to them; others had promised to do so but felt that their legislation or constitution did not allow them to implement some of the recommendations; others had not reacted to his recommendations.

9. He reported briefly on the outcome of President Clinton's initiative on race. In its final report, the President's Advisory Board on Race concluded that affirmative action continued to be a necessary and decisive instrument for overcoming the effects of past racial discrimination and eliminating disparities, including in the field of education, so as to achieve the goal of "one America". He expressed the

hope that the Board's recommendations would produce practical results.

10. He also drew attention to the measures taken by the Brazilian Government to combat racial discrimination in the area of employment and to the efforts made to protect the right to land ownership of the quilombos, communities of descendants of runaway slaves. He also asked to be informed of progress in the delimitation of the territory allocated to indigenous populations and of the measures taken to bar access to such territory to invaders and despoilers.

11. Turning to the United Kingdom, he noted that, following a careful investigation by Judge McPhearson, the Government had undertaken to take vigorous steps to combat the racism found in the police force, specifically in London and Manchester, and in certain sectors of its administration. He would continue to follow the implementation of the recommendations made as a result of the investigation, which were largely similar to those which he had made following his visit to the United Kingdom in November 1995.

12. Concerning Colombia, he drew attention to the national development plan for the Afro-Colombian population which the Government had drawn up with the participation of the communities concerned. That document was an adequate response to the recommendations he had made following his visit to that country in 1996 (see E/CN.4/1997/71/Add.1, paras. 66-68). The plan sought to meet the needs of the Afro-Colombian population in the economic, social and cultural areas and thus to remedy the effects of racial discrimination. He hoped the Colombian Government would keep him informed of how the plan was being implemented.

13. With regard to France, the Special Rapporteur noted that the French Government continued to pay close attention to the implementation of the recommendations contained in the report on the mission which had taken place in 1995 (E/CN.4/1996/72/Add.3, paras. 45-48). A number of judicial decisions had been handed down in France against incitement to racial discrimination, racial defamation and the challenging of the holocaust. Positive steps had also been taken to help young immigrants gain access to employment. The Special Rapporteur also warmly welcomed the historic initiative — a product of French humanism — taken by the French National Assembly, on 18 February 1999, when it adopted in first reading a bill recognizing "the slave trade and slavery as crimes against humanity". According to the first article of the bill: "The French Republic recognizes that the slave trade across the Atlantic and in the Indian Ocean and the slavery which was perpetrated, starting in the fifteenth century, in the Americas and the Caribbean, in the Indian Ocean and in Europe, against the African, Amerindian, Malagasy and Indian populations are a crime against humanity". The bill was currently before the Senate and he hoped that it would be adopted.

14. Concerning Germany, he recalled that the German Government had submitted a general law against racial discrimination to Parliament but the law had not been adopted. He urged the German Government to continue its efforts to find conciliatory formulas and to keep him informed of any further initiatives and legislative measures it planned to take.

15. The Special Rapporteur reported briefly on his mission to South Africa (see A/53/269, annex, paras. 6-10). He spoke of the positive changes in post-apartheid South African society and of the obstacles which the Government was encountering in its reforms. In the Commission on Human Rights he expressed concern at the increasing xenophobia in that country and welcomed the recent adoption by the South African Commission on Human Rights of the Braamfontein Statement on Racism and Xenophobia. The Statement was accompanied by a nine-point programme of action which called *inter alia* for a broad information and consciousness-raising campaign to alert people to racism and xenophobia and their effects, and the organization of training sessions for the civil servants concerned, on policies in respect of migration and refugees and on human rights and humanitarian law.

16. Of all the countries he had visited, Kuwait was the only one which had not yet reacted to the recommendations he had made to the Government following his mission to that country in November 1996 (see E/CN.4/1997/Add.2, paras. 64-69).

17. The Special Rapporteur had been invited to go to Australia following the xenophobic atmosphere created by one political party and certain attacks on the rights of the aboriginal population, but for reasons beyond his control and that of the Australian Government, he had been unable to respond to that invitation. However, the Government, true to its spirit of cooperation, had informed him of the steps that had been taken to preserve the cohesion of the population, emphasizing the spirit of tolerance which characterized the Australian people and calling on the population to continue the process of reconciliation with the Aborigines. Like the Committee on the Elimination of Racial Discrimination (see decisions 2 (54) and 3 (55)) and on the basis of information he had subsequently received from several aboriginal organizations, the Special Rapporteur had expressed concern at the discriminatory effects that would ensue from the

Native Title Amendment Act 1998, which the Australian Parliament had adopted in July 1998. Accordingly, he had invited the Australian Government to take steps to revise the provisions of the Act which limited access to land ownership by the aboriginal population or cancelled their title to property. He had also expressed the hope that, in order to promote genuine reconciliation, the Aborigines would be allowed to participate in the decision-making process on matters that affected them and that attention would be paid to the claims of the generation of aboriginal children who had been taken from their parents and forced to assimilate (Lost Generation). In view of the new communications received on the situation of the Aborigines and in view of the fact that the Australian Government had left open its invitation to the Special Rapporteur, a mission to Australia might be considered the following year.

18. He also informed the Commission that he had been invited by the Government to go to Indonesia following the May 1998 riots against that country's Chinese community but that, owing to a particularly heavy workload, he had been unable to go. However, in the report it was pointed out that the Government had taken steps to protect the members of the Chinese community and to find the perpetrators of the violations of the human rights of the Chinese people of that country.

19. Still speaking of Asia, the Special Rapporteur drew the Commission's attention to the situation of the untouchables or Dalits of India. The Indian Government had taken numerous steps at the legislative and constitutional level to guarantee the human rights of those people. Despite the progress which had been made, those people continued to be subjected to traditional structures and to encounter resistance from individuals who benefited from the caste system which the Committee on the Elimination of Racial Discrimination considered to be a form of racial discrimination, a form of exclusion based on origin. He hoped that the Indian Government would continue to cooperate with him in seeking adequate solutions to the most serious situations and urged it to pay attention to the grievances of the people concerned. With that in mind taking into account the information he continued to receive about the situation of the Dalits, he might consider, with the Indian Government, undertaking a mission to India some time in the year 2000.

20. Following consideration of the report of the Special Rapporteur, the Commission adopted its resolution 1999/78 in which it took note with satisfaction of the report. While noting with concern the increase in the use of new communications technologies, in particular the Internet, to disseminate racist ideas and incite racial hatred, the Commission noted that the use of such technologies could contribute to combating racism, racial discrimination, xenophobia and related intolerance, for example through the creation of Internet sites to disseminate anti-racist and anti-xenophobic messages. It requested the United Nations High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in that area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism.

21. Lastly, the Commission urged the High Commissioner to provide those countries which had been visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur. To date the countries concerned had not made any such request.

2. Participation in the Workshop on Gender Integration into the Human Rights System

22. From 26 to 28 May 1999, the Special Rapporteur attended the Workshop on Gender Integration into the Human Rights System . He welcomed that joint initiative of the Office of the United Nations High Commission for Human Rights, the Division for the Advancement of Women and the United Nations Development Fund for Women inasmuch as in his reports he stressed the importance of integrating women's rights into the overall promotion and protection of human rights.

23. In response to the requests made at both the 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women, and pursuant to subsequent resolutions adopted by the Commission on Human Rights, the Special Rapporteur focused on the specific forms taken by the phenomena which are the subject of his mandate, as they affect women.

24. By gathering examples from the reports which he had submitted to the General Assembly and the Commission on Human Rights, the Special Rapporteur endeavoured to demonstrate that women from national, racial or ethnic minorities, migrant women and women members of indigenous communities are the victims of particular types of discrimination, not only because of their race, colour, nationality or ethnic origin, but also because they are women. Thus, the Special Rapporteur cited "double discrimination" as a major factor which prevents women

members of vulnerable groups from enjoying and exercising their fundamental rights.

25. Through the Workshop and the recommendations made by its participants, the Special Rapporteur will continue to focus particularly on the gender aspects of his mandate.

3. Participation in the sixth meeting of Special Rapporteurs/Representatives, Experts and Chairpersons of Working Groups of the Special Procedures System of the Commission on Human Rights

26. From 31 May to 3 June 1999, the Special Rapporteur participated in the sixth meeting of Special Rapporteurs/ Representatives, Experts and Chairpersons of the Special Procedures System of the Commission on Human Rights. He learned of the efforts made by the Office of the High Commissioner for Human Rights in order to strengthen the special procedures. The Special Rapporteur hopes that measures for human and material resource allocation to the functioning of these procedures will be effective. In particular, he hopes that a special procedures database will soon be created in order to ensure better treatment of allegations received and to facilitate follow-up to the special rapporteurs' recommendations and the exchange of information between country and thematic rapporteurs and with the treaty bodies.

4. Planned mission by the Special Rapporteur: situation of gypsies or travellers

27. As a result of many reports that he has received, the Special Rapporteur's attention has been drawn to the situation of Eastern European gypsies or travellers, who are the target of right-wing extremist groups, suffer greatly from police violence and are the victims of various forms of racial discrimination (in the fields of education, housing and cultural expression).

28. In Kosovo, since the end of the war, many cases of human rights violations committed against gypsies by Albanians have been reported. Summary execution, abduction, arbitrary detention and torture have been perpetrated against them. Gypsy families have been evicted and have had their houses burned by Albanians. Over 100,000 gypsies have had to flee the province. In most cases, the international security force (KFOR) has been unable to react. The Albanians appear to be making a deliberate attempt to expel the gypsies, whom they consider to be allies of the Serbs, from Kosovo.

29. The Special Rapporteur plans to discuss with concerned Governments in this region, and with the Special Representative of the Secretary-General in Kosovo, measures which could be taken in order to better protect this vulnerable minority. In this regard, the Special Rapporteur has already been invited to visit the Czech Republic, Hungary and Romania. The report on this mission, which will take place in the second half of September 1999, will be submitted to the Commission on Human Rights at its fifty-sixth session.

III. Contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance*

30. The Special Rapporteur has selected his examples on this subject from the relevant information transmitted to him by Governments (Belarus, Cyprus, France, Germany, Israel, Iraq, Netherlands and United Arab Emirates) and by non-governmental organizations (NGOs) (Amnesty International, International Movement against All Forms of Discrimination and Racism, International Association Against Torture/December 12 Movement, International League Against Racism and Antisemitism and World University Service). He also collected information from the Internet and news articles from reliable sources.

31. In view of the limitations on the length of this report, the Special Rapporteur intends to describe the major contemporary trends in racism, racial discrimination and xenophobia, leaving his in-depth analyses for the report that he will submit to the Commission on Human Rights at its fifty-sixth session, in March 2000.

32. The Special Rapporteur notes that racism persists in its violent manifestations, which are instigated both by State officials responsible for keeping the peace and by members of racist organizations such as the Skinheads. Racial discrimination also takes increasingly insidious and subtle forms that are difficult to perceive and to combat through legislation, particularly in the areas of access to employment and to housing. Lastly, the Internet is a powerful propaganda tool in the hands of racist groups which use it to reach a broad public, particularly young people, at little expense.

* This report does not cover the situation of migrants and their families, an issue which is the subject of a new mandate entrusted to Ms. Rodriguez Pizarro.

A. The increase in racist propaganda on the Internet

33. In a recent study entitled, "Haine raciale sur le réseau Internet" ("Racial Hatred on the Internet"), published in June 1999 by the International League Against Racism and Antisemitism, Marc Knobel stresses the ambivalent nature of the Internet; it is both a means of disseminating knowledge and a propaganda tool which extremist and neo-Nazi organizations use to spread their racist propaganda. Like Aesop's tongue, it can be used to both good and evil ends.

34. Citing a study by the Southern Poverty Law Center, an American research centre based in Alabama, Knobel notes that there has been a significant increase in extremist Web sites: in the United States of America, their number rose from 163 in 1997 to 254 in 1998. In Germany, according to specialists from the Office of Constitutional Protection, the number of far-right Web pages on the Internet has increased by 500 per cent in two years. Thus, the global network has become the largest instrument of propaganda for the German far right. The Simon Wiesenthal Center, for its part, has just published its most recent study of extremist, racist and anti-Semitic sites. Whereas in November 1997, there were some 600 racist sites, the researchers have now found over 1,400. Moreover, this is merely an estimate since some sites close or are blocked. Racists who have been unmasked and removed from an Internet service provider's network immediately find another umbrella organization. So we do not really know how many sites there are devoted to racist propaganda; some people think that there might reasonably be estimated to be over 4,000 of them.

35. The author of the above-mentioned study describes the motives of the neo-Nazis, negationists and other extremists, who, moreover, have been quick to perceive the benefits of a rational, systematic use of the Internet. According to these groups, the Internet "offers enormous possibilities, making it possible for the Aryan resistance movement to diffuse its message to unaware or ignorant people ... . It's the only mass media available to us that is still ... relatively free from censorship. We now have to take up a new arm, Internet, and learn to use it well and wisely."

36. Knobel reveals that in a publication entitled "La conspiration théorique" ("The Conspiracy Theory"), the Austrian activist, Walter Ochsenburger, writes that freedom of thought is absolute on the Internet and that ultimately, the Internet is the least bad of the democratic media. Olivier Bode, another neo-Nazi activist who is known to the police and is one of the organizers of nostalgic meetings celebrating Adolf Hitler's birthday, writes that he has nothing but praise for the use of Internet applications. Stormfront provides information on the National Demokratische Hochschulbund (NDB), the students' and youth organizations' branch of Günter Deskkert's Nationaldemokratischer Parti Deutschland (NPD). A commentary on the NDB states that "We must create free zones. In these zones (of which the Internet is one), we will exercise our power, attract militants, increase our militarism and punish all deviants and our enemies". The Thule Network concurs. A Web site on another server states: "What is practical about the Internet is that it allows us to escape official censorship. Through it, each of us, despite our limited resources, can reach the public. This allows us not only to disseminate our information and put our message across, but also to disempower the language police and the official censors. And, this is all the more true in that on the Internet, anyone can monitor the speech of others. (*Source*: *Judische Rundschau*, 28 February 1996.)

37. Lastly, Knobel quotes the notorious revisionist, Robert Faurisson, who, in a note published on the Internet and entitled "Informations révisionnistes pour Internet" ("Revisionist information for the Internet"), writes that "thanks primarily to the Internet, there is a new trend towards historical revisionism. For the first time in 20 years, I am not involved in a trial".

38. But neo-Nazis do not have a monopoly on the use of the Internet for purposes of racist propaganda and incitement to hatred, racist violence and anti-Semitism. According to the Simon Wiesenthal Center and Hate Watch, an organization whose research and publications are useful references, other racist movements and organizations also use the Internet to disseminate their messages of hatred. Thus, there are anti-Arab sites run by Jewish organizations such as the Jewish Defense League in the United States of America, the United Kingdom and Northern Ireland and Rabbi Meir Kahane's homepage; anti-Muslim sites such as Faelleslisten Mod Indvandringen and the Glistrup Homepage (Danish); and sites created by African-American organizations, including The 12 Tribes of Israel, Blacks and Jews Newspage, Nations of Gods and Earths and Nation of Islam.

39. This wave of cybernetic racism seems to have given rise to a new awareness on the part of certain Governments and, above all, of certain Internet service providers and of civil society in the countries with the highest concentration of computers. Numerous users and associations keep a close watch on these hatemongers, follow their movements and refute their claims by collecting thousands of documents and making all of them available on the Internet. Negationists

and neo-Nazis still find it difficult to participate in chat rooms since their claims are met with concerted refutation (see the server set up for this purpose by Ken MacVay and an article by Yves Eudy, "Internet: alerte aux néo-nazis" ("Internet: Watch Out for the Neo-Nazis"; *Le Monde*, 11-12 February 1996)).

40. Some Governments and politicians are establishing committees and think tanks to consider the problems associated with freedom of expression on the Internet. Similarly, anti-racist sites have been established for educational purposes and for use by the schools in combating the arguments of racists. These include projects launched by the Swiss International League Against Racism and Anti-Semitism, the Belgian Ligue des droits de l'homme (Human Rights League) and the French Movement against racism and for friendship between peoples.

41. In Germany, in June 1997, Parliament passed a law prohibiting the dissemination of Nazi propaganda or negation of the Holocaust via the Internet; on the basis of that law, the German branch of CompuServe, one of the largest Internet service providers in the United States of America, was charged with dissemination of illegal material.

42. In Canada, on the basis of section 319 of the Criminal Code, which prohibits incitement to hatred against an identifiable group, the notorious neo-Nazi, Ernest Zundel, was convicted and the Canadian Government is said to be preparing to enact specific legislation to criminalize more effectively offences resulting from the transport of electronic data, as in the case of the Internet. The Canadian Association of Internet Providers (CAIP) has established a Code of Conduct which states that its members will not host illegal sites with illegal content. The Canadian Race Relations Foundation, whose primary objective is to eliminate racism and all forms of racial discrimination from Canadian society, has developed a programme to combat the spread of racial hatred in cooperation with several other NGOs.

43. In the United States of America, because the First Amendment to the Constitution protects all forms of freedom of expression, there is no specific legislation to prohibit the dissemination of racist propaganda on the Internet; however, there is self-regulation by some Internet service providers such as America Online (AOL) and Porgy, and there is a strong movement in civil society. Three proposals should be mentioned: (a) the Simon Wiesenthal Center's online programme, Cyberwatch, and its Multimedia Learning Center on the evils of racism and intolerance. The Centre operates a racist propaganda watch and provides a valuable educational alternative to the counter-truths promulgated on the Internet; (b) the Southern Poverty Law Center's Ten Ways to Fight Hate (www.splcenter.org); and (c) Hatewatch (www.hatewatch.org), Harvard Law School Library's monitoring programme.

44. In France, the Government has announced that in early 2000 it will introduce a bill on the information society, one aspect of which will be to combat crimes associated with new technologies by giving the judiciary the legal tools with which to carry out its task.

45. In the Netherlands, the Discrimination Hotline Internet (DHI), a reporting centre for discrimination on the Internet, has been active since March 1997. DHI was launched by the Ministry of the Interior as part of the European Year Against Racism. It is a project set up under the auspices of the Magenta Foundation and staffed by volunteers. DHI concerns itself with the fight against racism on Dutch-language Internet sites. It assesses each report it receives; if it decides that a particular utterance may constitute a criminal offence, it sends a warning, asking the person who has placed or distributed the utterance to remove it. If this request is ignored, DHI reports the matter to the police and informs the provider that it has done so. In this way, DHI tries to prevent the distribution of racist utterances and to reduce their number. It appears from the annual DHI report, published in the spring of 1998, that requests for removal are generally complied with.

46. The Special Rapporteur would like to suggest that the question of use of the Internet to disseminate racism and xenophobia should be included in the agenda of the World Conference on Racism and Racial Discrimination, Xenophobia and Related Intolerance and should be considered at the workshops held during the regional preparatory conferences. These meetings should provide an opportunity to establish strategies to combat hate speech on the Internet and to develop affirmative action in the field of human rights education, thus encouraging mutual understanding and tolerance.

B. Racist violence and activities of far-right and neo-Nazi organizations

47. Certain States, including Iraq and Belarus, indicate that they have not experienced any incidents stemming from racism, racial discrimination or xenophobia. On the other hand, it is clear from the communications sent by the Governments of Germany and France and from the press that there are continuing manifestations of violent forms of racism and xenophobia in these countries, due *inter alia* to the activities of far-right and neo-Nazi organizations.

48. The German Government stated in its communication that there had been an 11 per cent increase in activities of the far right during 1998; the membership of NPD and Deutsche Volksunion (DVU) increased by 1,700 and 3,000, respectively, while the Republikaner party lost about 500 members.

49. In 1998, 5.7 per cent fewer crimes were committed by the far right than during the previous year; the number of violent crimes decreased by 10.5 per cent. Crimes such as the distribution of written propaganda and the use of symbols of banned organizations also decreased during 1998.

50. In France, according to the 1998 report of the National Consultative Commission on Human Rights, violence and racist and anti-Semitic intimidation are on the decline; racist violence of the type which results in death, wounding and serious property damage decreased in 1998 (26 incidents) and fell from its peak in 1991 (110 violent incidents) to its lowest level in the past 10 years. The number of acts of anti-Semitic violence fell even more dramatically (from 24 incidents in 1991 to 1 in 1998); most such violence is committed against North Africans.

51. Generally speaking, the National Commission reports that there was a significant decrease in the number of victims in 1998 (4 wounded, none dead), whereas such violence had left 8 dead in 1995 and 40 wounded in 1993. There were no victims of anti-Semitism. The police questioned 24 individuals responsible, or suspected of being responsible, for such acts, most of them members of the far right.

52. The number of racist threats has been declining steadily for several years, the exception being Corsica; there were 656 in 1990, 573 in 1995 and 206 in 1997. By and large, these acts of intimidation mainly affect North Africans. Incidents of anti-Semitic intimidation are declining (81 in 1998); they are mainly attributable to right-wing extremist and revisionist circles.

53. According to an article entitled "Neo-Nazis Active in Latin America", published in the monthly *Terra Viva* (26th issue of March 1999), racist and xenophobic organizations have stepped up their public activities in Argentina, Chile and Uruguay. In August 1998, there was a meeting of several neo-Nazi groups at LaSalle College in Buenos Aires; they called for the establishment of a national-socialist international.

54. Several bomb explosions occurred in Montevideo in late 1998. An individual arrested by the police in connection with those acts stated that he was a neo-Nazi. In the same city, the police were unable to identify those responsible for several attacks on Jewish businesses and homes as well as for the desecration of Jewish cemeteries.

55. Nazi war criminals who sought asylum in Argentina, Brazil, Chile and Paraguay after the Second World War are apparently behind this resurgence in the activities of Latin-American neo-Nazi organizations. In Argentina, Ivan Franze, known as the "comrade-in-chief", of the Social Order Party, claims that his organization has more than 7,000 members in Buenos Aires and its environs. Its goal is to restore the military to power in Argentina and to revive that country's military and industrial complex. The National Workers' Party of Alejandro Biondini, who denies being a Nazi but admits to being an Argentine National Socialist, is another extreme-right party that is mentioned in Argentina.

56. The Special Rapporteur intends to undertake a more detailed study of the neo-Nazi scene in Latin America, which is emerging as one of the areas of the world where racist organizations are expanding.

57. As far as police violence stemming from Negrophobia is concerned, the most striking incident is the murder of a young Guinean, Amadou Sékou Diallo, who was gunned down in cold blood by New York City police officers, who fired 41 bullets at him even though he was unarmed and had made no threatening move towards them. The Special Rapporteur has referred the matter to the United States authorities, asking for an investigation to be opened and for the results to be communicated to him.

C. Anti-Semitism

58. In its communication of 16 March 1999 transmitting the *Annual Report of the Government of Israel on anti-Semitic Trends in 1998*, the Government of Israel noted that anti-Semitic propaganda and violence had increased considerably in 1998 compared with 1997. This coincided with the commemoration of the fiftieth anniversary of the founding of the State of Israel and the issue of the recovery of the gold and property of Jews seized during the Second World War and resulted in attacks on Jewish communities and synagogues and the desecration of Jewish graves in various parts of the world.

59. The Israeli Government and many Jewish organizations also believe that the denial of the Holocaust is one of the main common manifestations of anti-Semitism.

D. Insidious and subtle forms of racism and racial discrimination

60. Unlike the violent manifestations of racism, anti-Semitism and racial propaganda, which are visible forms of racism, there are hidden, insidious and subtle forms of these phenomena that are not always subject to the law.

61. A circular of 16 July 1998 from the French Minister of Justice addressed to the procurators-general of the courts of appeal and government procurators of the courts of major instance on efforts to combat racism and xenophobia, transmitted to the Special Rapporteur by the French Government, provides some information about this type of racism and racial discrimination. It notes *inter alia* that:

> "Over the past 30 years, France has gradually put into place an arsenal of laws that seem to be equal to the task of effectively prosecuting the different manifestations of racist and xenophobic ideologies and protecting their victims ...
>
> "Despite increasingly vigorous and significant judicial responses, racially-biased crimes continue to affect social relations and threaten the fundamental values of our civilization.
>
> "Although there has been a steady increase in the number of sentences handed down by all French criminal courts, it should nevertheless be noted that because so few complaints are recorded by the police and *gendarmerie*, and referred to the prosecution service, the number of cases prosecuted does not at all reflect the reality as perceived by the associations that combat racism on a daily basis ...
>
> "The facts brought to the attention of the Ministry of Justice show that the manifestations of racism and xenophobia are becoming increasingly diversified in terms of both form and gravity. Moreover, racist discourse is becoming more sophisticated and is often couched in such terms as to escape being characterized as an offence ...
>
> "In recent years, daily incidents of discrimination, for example in connection with admission to discotheques or with the renting of apartments, have become commonplace.
>
> "Yet only 10 people were sentenced, in 1996, for discrimination with respect to the offer or provision of goods or services.
>
> "No one was sentenced for any other form of discrimination (employment, recruitment, dismissal and economic activity in general which covers all the other forms of discrimination).
>
> "Instances of discrimination in recruitment and in the workplace are much more widespread than it appears. It is up to the courts to prosecute any such cases that are brought to their attention and to hand down the relevant sentences. Discrimination can also be insidious and result in hindering an individual's career development or unfair dismissals ...".

IV. Measures taken or envisaged by Governments, legislative and judicial bodies and other authorities

A. Germany

62. In reaction to the violent xenophobic attacks of the German extreme right, the Federal Ministers of Justice and the Interior affirmed their determination to combat extremism in a joint declaration adopted on 29 April 1999 and established an Alliance for Democracy and Tolerance — Against Extremism and Violence".

63. This alliance, which will be composed of representatives of the Government, civil institutions, the media and non-governmental organizations, will have the task of coordinating and advertising the large number of existing projects and activities and of supporting new initiatives against racism and xenophobia.

B. Belarus

64. The Government of Belarus indicates that a draft penal code that was passed at first reading in conformity with a decision of the Chamber of Representatives of the National Assembly of the Republic of Belarus dated 17 December 1997 includes provisions to combat the negative practices that infringe on the legal rights of nationalities and races. It was submitted to the fourth session of the Chamber of Representatives for consideration in second reading.

65. The draft penal code provides for the prosecution and punishment of acts such as:

(a) Genocide, that is to say acts committed with the aim of destroying a national, ethnic, racial or religious group;

(b) Incitement to racial, national or religious hatred or discord;

(c) Violation of the rights of citizens to equality under the law;

(d) The establishment of groups or organizations that cause injury to persons or infringe on the rights of citizens;

(e) Crimes committed against one or more representatives of any segment of the civilian population in the context of an attack relating to the national, ethnic or racial origin of that segment of the population or to its political or religious views.

C. France

66. The French Government has taken action on the recommendations made by the Special Rapporteur following his visit to that country in September 1995. Thus, in its communication to the Special Rapporteur, the French Government lists a series of measures concerning *inter alia* the adoption of an important series of laws against racism and xenophobia, the revision of the laws on immigration (Pascua laws), the granting of entry visas into France to people from the "South" and the procedure for reviewing the cases of people held at detention centres, as well as the grounds for expulsion and the preparation of a human rights education programme. The Special Rapporteur will give a more detailed account of those measures in his report to the Commission on Human Rights at its fifty-sixth session.

D. Netherlands

67. In its communication to the Special Rapporteur with respect to measures to combat racial discrimination, the Netherlands Government notes that in autumn of 1997, the Board of Procurators-General decided to set up an expertise centre as a permanent facility for the public prosecution service which would be able to answer substantive legal questions relating to the fight against discrimination and right-wing extremism. The Centre formally started working on 1 September 1998. Its objective is to optimize the public prosecution service's enforcement of criminal law in relation to racial discrimination. The Centre closely monitors the activities of extreme right political parties and acts of racial violence. Thus, on 18 November 1998, the Amsterdam district court decided to order the dissolution of the Centrum Party '86 (CP'86) organization on the grounds that its activities were promoting racial discrimination against ethnic minorities in violation of article 20, paragraph 1, of the Civil Code (volume II).

68. The Centre also deals with other important tasks, namely: to develop, maintain and organize expertise of magistrates, for instance by contributing to symposiums and training courses; to inform and advise the public prosecutors' offices at district courts; to coordinate current investigations and prosecutions; to organize the regular consultations that take place between public prosecutors and advocates-general with special responsibility for discrimination matters; to contribute to the development of national policy; to draft and distribute manuals, strategy plans, etc. aimed at improving local law enforcement.

V. Conclusions and recommendations

69. As the foregoing developments show, violent forms of racism, racial discrimination, xenophobia and anti-Semitism coexist with new, more insidious and subtle forms. Verbal racism and xenophobia are now commonplace and ingrained in society as a result of the increasing sophistication of racially motivated acts, racial discrimination and anti-Semitism, of which the members of the extreme right and neo-Nazi organizations are the main purveyors. In the absence of substantive replies from Member States — very few replies have been received — with respect to problems in the areas of basic human rights, in particular the right to equal justice in the administration of justice, legislation, access to housing and employment, hiring policies, dismissal or the career development of members of racial or ethnic minorities in both the civil service and private enterprise, and given the reluctance of victims of discrimination to lodge complaints, it is difficult to get a full picture of the daily manifestations of racism and xenophobia. Therefore, as the General Assembly and the Commission on Human Rights have recommended on more than one occasion, Governments and specialized non-governmental organizations and academics should transmit to the Special Rapporteur the necessary documentation and information to enable him to provide a comprehensive picture of the daily manifestations of racism, racial discrimination and xenophobia. All Governments, intergovernmental and non-governmental organizations should be urged to provide information to the Special Rapporteur and to respond to his requests.

70. The use of the Internet for purposes of incitation to racial hatred, racial discrimination and xenophobia is becoming an issue of serious concern to which the General Assembly, the Commission, intergovernmental organizations and other relevant organizations of the United Nations system should devote attention.

71. As part of the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Special Rapporteur would like concrete measures to be taken in order to promote research and consultations on the use of the Internet to combat racial hatred, racial propaganda and xenophobia and to prepare a programme of education on human rights, a culture for peace and non-violence in collaboration with, for example, the United Nations Educational, Scientific and Cultural Organization (UNESCO), non-governmental organizations and governmental organizations that are already involved in this activity.

72. Similarly, in preparation for the World Conference, genuine consultations and collaboration should be established among the different bodies and mechanisms of the Commission on Human Rights, including the Special Rapporteur on Racism, whose different reports to the Commission and to the General Assembly constitute a vital database. He should be effectively given all the means necessary "to carry out a study on preventive measures relating to ethnic, racial, religious and xenophobically motivated conflicts and to formulate recommendations".

73. The Special Rapporteur congratulates the States that have already taken administrative and legislative measures to prosecute acts of racism, racial discrimination, xenophobia and anti-Semitism that have undertaken training with respect to human rights, the basic principle concerning the dignity of all human beings and a culture of peace, non-violence and tolerance, in schools and vocational training institutions as well as through the mass media, and he urges all Governments and regional intergovernmental organizations to do likewise.

74. Finally, a campaign should be launched immediately to stimulate international awareness concerning the World Conference, its objectives and organization process.